

<b>Interview Summary</b>	<b>Application No.</b> 10/706,849	<b>Applicant(s)</b> HENDERSON ET AL.	
	<b>Examiner</b> Chuck O. Kendall	<b>Art Unit</b> 2192	

All participants (applicant, applicant's representative, PTO personnel):

- (1) Chuck O. Kendall. (3) \_\_\_\_\_  
 (2) Mathew Anderson 39,093. (4) \_\_\_\_\_

Date of Interview: 08/06/07.

Type: a) ☒ Telephonic b) ☐ Video Conference  
 c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☐ No.  
 If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: independent claims.

Identification of prior art discussed: \_\_\_\_\_.

Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Called attorney and suggest possible amendments regarding claims 1 and other independent claims to clarify claimed limitations, Attorney agreed to send a proposed amendment.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

*Chuck Kendall 8/6/07*

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

\_\_\_\_\_  
 Examiner's signature, if required

## Summary of Record of Interview Requirements

### Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

#### Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

#### 37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

### Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.



TELEPHONE (972) 628-3600 • FACSIMILE (972) 628-3616

**TELECOPY TRANSMISSION SHEET**

**DATE:** August 6, 2007 **TIME:** 1:41 PM  
**TO:** Examiner Chuck Kendall **FAX #:** (571) 273-3698  
**FROM:** Matthew S. Anderson **CLIENT #:** Barnaby Henderson, et al.

**NUMBER OF PAGES** (including cover page) : 9

**COMMENTS:**

*If you have any difficulties in receiving this transmission, please contact  
Diana Sutton at (972) 628-3600.*

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**DOCKET NO. 05-03-008 (UGSC01-05021)**  
**CUSTOMER NO.: 45113**

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of : Barnaby Henderson, et al.  
Serial No. : 10/706,849  
Filed : November 12, 2003  
For : SYSTEM, METHOD, AND COMPUTER PROGRAM  
PRODUCT FOR IDENTIFYING CODE DEVELOPMENT  
ERRORS  
Group No. : 2192  
Examiner : Chuck O. Kendall

**MAIL STOP AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**PROPOSED AMENDMENT**

**NOT FOR ENTRY**

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SERIAL NO. 10/706,849  
PATENT

**IN THE CLAIMS:**

The current claims follow. For claims not marked as amended in this response, any difference in the claims below and the previous state of the claims is unintentional and in the nature of a typographical error.

1. (Currently Amended) A method for identifying defective program code, comprising:  
    providing a ~~first~~ verified program code having a plurality of verified program components and a ~~second~~ modified program code having a plurality of modified program components, wherein at least one of the modified program components is defective, causing the modified program code to be defective;  
    creating a third test program code corresponding to the ~~second~~ modified program code, wherein one of the modified program components is replaced with a corresponding one of the verified program components to determine if the replaced modified program component is defective;  
    testing the ~~third~~ test program code; and  
    designating the replaced modified program component as defective according to the results of the test.
2. (Currently Amended) The method of claim 1, wherein the ~~first~~ verified program code, the ~~second~~ modified program code, and the ~~third~~ test program code are dynamic link libraries.
3. (Currently Amended) The method of claim 1, further comprising testing the ~~first~~ verified program code and the ~~second~~ modified program code.
4. (Currently Amended) The method of claim 1, wherein the creating and designating are repeated for each modified program component in the ~~second~~ modified program code.

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5. (Original) The method of claim 1, wherein the modified program components are program modules.
6. (Original) The method of claim 1, wherein the modified program components are sets of program files developed by the same individual.
7. (Original) The method of claim 1, wherein the modified program components are program files.
8. (Original) The method of claim 1, wherein the replaced modified program component is designated as defective if the test is passed.
9. (Currently Amended) A data processing system having at least a processor and accessible memory, comprising:
- means for selecting a ~~first~~ verified program code having a plurality of verified program components and a ~~second~~ modified program code having a plurality of modified program components, wherein at least one of the modified program components is defective, causing the modified program code to be defective;
  - means for creating a ~~third~~ test program code corresponding to the ~~second~~ modified program code, wherein one of the modified program components is replaced with a corresponding one of the verified program components to determine if the replaced modified program component is defective;
  - means for testing the ~~third~~ test program code; and
  - means for designating the replaced modified program component as defective according to the results of the test.

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10. (Currently Amended) The data processing system of claim 9, wherein the ~~first~~ verified program code, the ~~second~~ modified program code, and the ~~third~~ test program code are dynamic link libraries.
11. (Currently Amended) The data processing system of claim 9, further comprising means for testing the ~~first~~ verified program code and the ~~second~~ modified program code.
12. (Original) The data processing system of claim 9, wherein the modified program components are program modules.
13. (Original) The data processing system of claim 9, wherein the modified program components are sets of program files developed by the same individual.
14. (Original) The data processing system of claim 9, wherein the modified program components are program files.
15. (Original) The data processing system of claim 9, wherein the replaced modified program component is designated as defective if the test is passed.

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16. (Currently Amended) A computer program product tangibly embodied in a machine-readable medium, comprising:

instructions for selecting a first verified program code having a plurality of verified program components and a ~~second~~ modified program code having a plurality of modified program components, wherein at least one of the modified program components is defective, causing the modified program code to be defective;

instructions for creating a ~~third~~ test program code corresponding to the ~~second~~ modified program code, wherein one of the modified program components is replaced with a corresponding one of the verified program components to determine if the replaced modified program component is defective;

instructions for testing the ~~third~~ test program code; and

instructions for designating the replaced modified program component as defective according to the results of the test.

17. (Currently Amended) The computer program product of claim 16, wherein the ~~first~~ verified program code, the ~~second~~ modified program code, and the ~~third~~ test program code are dynamic link libraries.

18. (Currently Amended) The computer program product of claim 16, further comprising instructions for testing the ~~first~~ verified program code and the ~~second~~ modified program code.

19. (Original) The computer program product of claim 16, wherein the modified program components are program modules.

20. (Original) The computer program product of claim 16, wherein the modified program components are sets of program files developed by the same individual.



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21. (Original) The computer program product of claim 16, wherein the modified program components program files.
22. (Original) The computer program product of claim 16, wherein the replaced modified program component is designated as defective if the test is passed.

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**REMARKS**

The Proposed Amendments to the claims above are for discussion purposes with the Examiner and are not for entry.

After the Examiner has reviewed the proposed amendments, he is invited to telephone the undersigned at 972.628.3670 to discuss. If agreement is reached in a telephone interview, the Examiner is authorized to make corresponding amendments via Examiner's Amendment.

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**CONCLUSION**

If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *manderson@munckbutrus.com*.

Respectfully submitted,

MUNCK BUTRUS P.C.

[proposed amendment not signed]

Date: \_\_\_\_\_

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